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Southern District  
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March 29, 2024

**BY ECF & EMAIL**

The Honorable Loretta A. Preska  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**RE: United States v. Marquise Austin  
22 Cr. 435 (LAP)**

Dear Judge Preska:

I write on behalf of Marquise Austin to respectfully ask leave for Mr. Austin to appear remotely at the upcoming conference on Wednesday, April 3, 2024. Neither the government nor Pretrial Services objects to this request.

As the Court may recall, Mr. Austin was arrested on March 11, 2022 at his home in Little Rock, Arkansas and released on supervision in Arkansas. On March 18, 2022, Mr. Austin was presented in this District before the Honorable Judge Robert Lehrburger, who set bail conditions that permitted him to continue to live with his parents in Little Rock while under pretrial supervision.

While on supervision, Mr. Austin has incurred multiple violations of his pretrial release conditions for testing positive for marijuana. As a result, on July 13, 2023 the Court ordered Mr. Austin to complete inpatient drug treatment. I understand that Mr. Austin completed inpatient treatment and subsequently entered outpatient, and up until recently was compliant with outpatient treatment and abstaining from marijuana use. However, I understand that in light of recent positive drug tests, Pretrial Services intends to file a violation report next week. Based on my conversations with Mr. Austin's Pretrial Services officer, I understand Pretrial Services is not seeking or recommending Mr. Austin's detention, but rather may be seeking a higher level of drug treatment.

The government is aware of this forthcoming violation report, and has informed me it still consents to Mr. Austin appearing remotely on Wednesday, April 3, 2024. As noted above, Pretrial Services also informs me it has no objection to Mr. Austin appearing remotely.

While Mr. Austin, who is indigent, likely qualifies under 18 U.S.C. § 4285 for the Marshals Service to pay for his transportation to New York for his appearance, we respectfully request that he be permitted to appear remotely in light of the costs and logistical burdens of travel. Specifically, while 18 U.S.C. § 4285 directs the Marshal Service to pay for travel *to* the Court, it does not address the cost of the return trip, or the cost of lodging, which (as the Court is well aware) is substantial in New York City. Moreover, Mr. Austin has a full-time job in Little Rock, and travel to New York would require him to miss multiple days of work.

For the above reasons, and in light of the fact that neither the government nor Pretrial Services seeks Mr. Austin's in-person presence for the appearance on April 3, 2024, we respectfully ask permission for Mr. Austin to appear remotely.

Respectfully Submitted,

/s/  
Hannah McCrea  
Assistant Federal Defender  
(646) 574-0351

CC: AUSA Jane Chong

Defendant's request to appear remotely at the conference scheduled for April 3, 2024, is granted.

**SO ORDERED.**

Dated: March 29, 2024

  
LORETTA A. PRESKA, U.S.D.J.